

USDC SCAN INDEX SHEET



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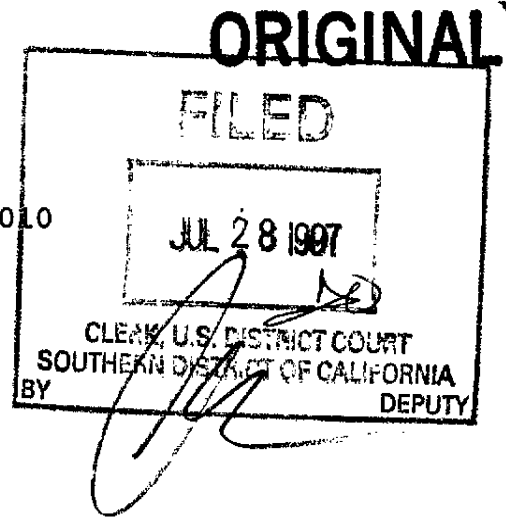
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*CRMEMP . *

1 ALAN D. BERSIN
 2 United States Attorney
 3 CAROL C. LAM/PAUL S. COOK
 4 Assistant U.S. Attorneys
 5 California State Bar Nos. 129412/079010
 6 United States Courthouse
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 11 Attorneys for Plaintiff
 12 United States of America



8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	Criminal Case No. 92-0026-E
)	
11 Plaintiff,)	
)	
12 v.)	Government's Response and
)	Opposition to Defendant's
13 JOHN PAUL SPILOTRO (6),)	Motion for Early Termination
)	of Probation
14 Defendant.)	DATE: 8/4/97
)	TIME: 2:00p.m.
15)	

16 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and
 17 through its counsel ALAN D. BERSIN, United States Attorney, and
 18 Carol C. Lam and Paul S. Cook, Assistant U.S. Attorneys, and files
 19 its response and opposition to defendant John Paul Spilotro's
 20 motion for early termination of probation.

21 DATED: July 28, 1997

22 Respectfully submitted,

23 ALAN D. BERSIN
 24 United States Attorney

Carol C. Lam

25 CAROL C. LAM
 26 PAUL S. COOK
 27 Assistant U.S. Attorneys

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STATEMENT OF THE CASE

On January 9, 1992, Defendant and nine co-defendants were indicted by a federal grand jury on various charges relating to actions taken by the defendants on behalf of the Chicago organized crime family. On January 12, 1993, Defendant Spilotro pled guilty to a superseding information charging him with Misprision of a Felony (Extortion), relating to his conduct in the extortion of Joseph Pignatello. On April 5, 1993, Defendant was sentenced to five years' probation, with six months to be served in home detention.

II

DISCUSSION

The evidence refutes Defendant's claim that he did nothing to assist in the extortion of Joseph Pignatello (who ultimately made two payments of \$15,000 and \$12,000 on an alleged \$50,000 debt). In fact, in a telephone call on July 8, 1988, Defendant reassured co-defendant Chris Petti that Pignatello was "panic-stricken" about the demands for money.

Counsel for the Government has contacted the San Diego and Las Vegas probation officers responsible for the supervision of the defendant.¹ Both probation officers stated that they oppose early termination of probation, both as a matter of district policy and in this particular case. The Las Vegas Probation Department noted that Defendant's work for the American Cancer Society was accepted by his office as an alternative to full-time

¹ Ms. Renee Herriott in San Diego, and Mr. Peter Durazo in Las Vegas.

1 employment, given the Defendant's apparent inability to procure
2 gainful employment. As such, Probation does not deem his
3 performance on probation to have been extraordinary in any sense
4 that would warrant early termination.

5 III

6 CONCLUSION

7 For the foregoing reasons, it is respectfully requested that
8 Defendant's motion for early termination of probation be denied.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOHN PAUL SPILOTRO (6),
Defendant.

Criminal Case No.: 92-0026-E

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that:

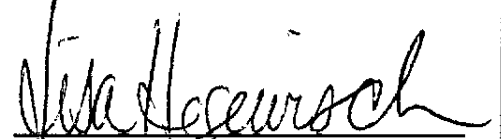
I, Lisa Hegewisch, am a citizen of the United States over the age of 18 years and a resident of San Diego County, California; my business address is 880 Front Street, San Diego, California 92101-8893; I am not a party to the above-entitled action; and subsequent to filing with the Clerk of the Court, I will deposit in the United States mail at San Diego, California, in an envelope bearing the requisite postage, a copy of **GOVERNMENT'S RESPONSE AND OPPOSITION TO DEFENDANT'S MOTION FOR EARLY TERMINATION OF PROBATION** addressed to: Mario Conte, Esq.

Federal Defenders of San Diego
225 Broadway, Suite 900
San Diego, CA 92101-5008

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 28th day of July 1997.


Lisa Hegewisch